

## **REMARKS/ARGUMENTS**

Claims pending in the instant application are numbered 32-37. Claims 32-37 presently stand rejected. The Applicants respectfully request reconsideration of the present application in view of the following remarks.

### *Title of the Invention*

The March 16, 2004 Office Action indicates that the title of the invention is not descriptive. The title of the invention has been amended as requested.

### *Obviousness-Type Double Patenting Rejection*

In the March 16, 2004 Office Action, claims 32-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of US Patent No. 6,496,392. The Applicants respectfully request that the enclosed timely filed terminal disclaimer in compliance with 37 CFR § 1.321(c) be entered to overcome the instant nonstatutory double patenting rejection, as suggested in the March 16, 2004 Office Action.

The Applicants wish to note that the filing of the enclosed terminal disclaimer in compliance with 37 CFR § 1.321(c) is not an admission to the propriety of the rejection. M.P.E.P. § 804.02 (7th Ed. July 1998); Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ.2d. 1392 (Fed. Cir. 1991). As stated by the Federal Circuit in the Quad Environmental Technologies decision, the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

Therefore, the Applicants respectfully submit that the presently claimed invention is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

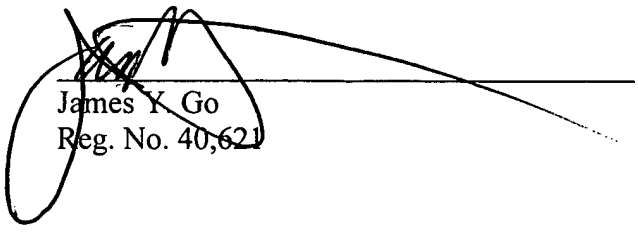
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Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 6-3-04

  
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**Attachments**

**FIRST CLASS CERTIFICATE OF MAILING**

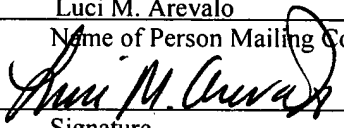
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